

UNITED STATES DISTRICT COURT  
for the  
District of Alaska

UNITED STATES OF AMERICA )  
vs. ) Case Number: 3:12-CR-00080-03-RRB  
JEREMY LEE SMITH )  
 ) ORDER

Based on the *Petition for Summons for Defendant Under Supervised Release* filed on May 11, 2018, regarding the above-named defendant, **IT IS HEREBY ORDERED** that:

- [ ] A WARRANT FOR ARREST be issued and delivered to the U.S. Marshal's Service; and that the petition, probation officer's declaration, this order, and a copy of the warrant be sealed in the Clerk's file and disclosed only to the U.S. Attorney for their official use, until the arrest of the defendant.
- [ ] The petition for Supervised Release revocation is referred to the Magistrate Judge for initial appearance/preliminary hearing(s). The evidentiary hearing, if any, will be before the Magistrate Judge only upon consent; otherwise the evidentiary hearing will be before the undersigned District Court Judge.

OR

- [ ] The petition for Supervised Release revocation is referred to Senior United States District Judge Ralph R. Beistline (if available) for initial appearance/preliminary hearing(s), and evidentiary hearings. If the District Judge is unavailable, the matter is referred to the Magistrate Judge for initial appearance/preliminary hearing(s).
- [ ] A summons be issued.

[ ] A summons be issued.

[ ] The petition for Supervised Release revocation is referred to the Magistrate Judge for initial appearance/preliminary hearing(s). The evidentiary hearing, if any, will be before the Magistrate Judge only upon consent; otherwise the evidentiary hearing will be before the undersigned District Court Judge.

OR

[ ] The petition for Supervised Release revocation is referred to Senior United States District Judge Ralph R. Beistline (if available) for initial appearance/preliminary hearing(s), and evidentiary hearings. If the District Judge is unavailable, the matter is referred to the Magistrate Judge for initial appearance/preliminary hearing(s).

[ ] Other:

ORDER

DEFENDANT: Jeremy Lee Smith  
CASE NUMBER: 3:12-CR-00080-03-RRB

Dated this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

---

Ralph R. Beistline  
Senior United States District Judge

**Supervised Release Cases:** Pursuant to 18.U.S.C. § 3401(i), the sentencing District Court may designate a Magistrate Judge to conduct hearings to modify, revoke, or terminate supervised release, including evidentiary hearings, and to submit to the Court proposed findings of facts and recommendations, including disposition recommendations.

**Probation Cases:** Pursuant to *United States v. Frank F. Colacurcio*, 122 F.3d 1074 (9th Cir. 1997), a Magistrate Judge has the authority to conduct a probation revocation hearing only if the following three conditions are satisfied: (1) the defendant's probation was imposed for a misdemeanor; (2) the defendant consented to trial, judgment, and sentence by a Magistrate Judge; and (3) the defendant initially was sentenced by a Magistrate Judge. Therefore, a District Court may not designate a Magistrate Judge to conduct revocation hearings on probation cases where a District Court was the sentencing Court.